

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARY ELLEN WELLING,
Plaintiff,
v.

MARSHALLS OF
MASSACHUSETTS, INC. AND
THE TJX COMPANIES, INC.,
Defendants.

Case No. 24-10016

F. Kay Behm
United States District Judge

Curtis Ivy, Jr.
United States Magistrate Judge

ORDER GRANTING DEFENDANTS' MOTION TO COMPEL (ECF No. 14)

I. PROCEDURAL HISTORY

Plaintiff Mary Ellen Welling filed this matter in Macomb County Circuit Court. (ECF No. 1). It was removed to the Eastern District of Michigan on January 4, 2024. (ECF No. 1). Defendants Marshalls of Massachusetts, Inc. ("Marshalls") and the TJX Companies, Inc. ("TJX") filed a motion to compel discovery on July 9, 2024. (ECF No. 14). Plaintiff did not file a response. This case was referred to the undersigned for all discovery matters. (ECF No. 13).

Defendants served Plaintiff with their first set of interrogatories and requests for production of documents on February 15, 2024. (ECF No. 14, PageID.75). Plaintiff has not responded to the discovery requests. (*Id.*).

The local court rules of the Eastern District of Michigan require Plaintiff to file a response to oppose Defendant's motion to compel. *See* E.D. Mich. L.R. 7.1(c)(1) ("A respondent opposing a motion must file a response, including a brief and supporting documents then available.") (emphasis added). Opposition to a motion is deemed waived if the responding party fails to respond or otherwise oppose the motion. *See Humphrey v. United States Att'y Gen.'s Off.*, 279 F. App'x 328, 331 (6th Cir. 2008).

As the motion is unopposed and the relief requested appears reasonable, Defendant's motion to compel discovery is **GRANTED** as follows:

1. Within 14 days of this Order, Plaintiff must:
 - A. Substantively answer Defendant's Interrogatories Nos. 1-15, in full;
 - B. Produce all documents responsive to Plaintiff's Requests for Production Nos. 1-8 or confirm in writing that it does not have documents responsive to these requests; and
2. Because Plaintiff did not establish that her failure to provide the requested information or documents was substantially justified, she is **ORDERED** to pay Defendants' expenses incurred in making its motion to compel, including costs and attorney fees. Fed. R. Civ. P. 37(a)(5)(A); *Youn v. Track, Inc.*, 324 F.3d 409, 421 (6th Cir. 2003). Within 21 days of this Order, if the parties have not

come to an agreement on costs, Defendants shall submit a Bill of Costs related to its motion. Plaintiff must respond within 10 days of service of the Bill of Costs.

IT IS SO ORDERED.

The parties here may object to and seek review of this Order, but are required to file any objections within 14 days of service as provided for in Federal Rule of Civil Procedure 72(a) and Local Rule 72.1(d). A party may not assign as error any defect in this Order to which timely objection was not made. Fed. R. Civ. P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. When an objection is filed to a magistrate judge's ruling on a non-dispositive motion, the ruling remains in effect unless it is stayed by the magistrate judge or a district judge. E.D. Mich. Local Rule 72.2.

Date: August 22, 2024.

s/Curtis Ivy, Jr.
Curtis Ivy, Jr.
United States Magistrate Judge